



The Examiner contends that Brown discloses a method for compiling health information performed by a computer controlled apparatus by establishing a database which receives a health statistic of the user, and which determines the health status of the user from the health statistic.

Applicants submit that Brown discloses a system for monitoring a group of patients having a chronic disease or ongoing health condition. Brown discloses collecting from each patient a set of measurements of a control parameter of the health condition. Brown discloses calculating a control value for each patient from the patient's set of measurements. The control value is a mean value of the control parameter values recorded by the patient over a specified time frame. (Brown, column 5, line 65 through column 6, line 20.)

Amended claim 2 is directed to a method of compiling health information and now recites “analyzing the health statistic to determine a health status from the health statistic, wherein the analyzing step includes statistically comparing data received from the health monitoring device and statistics derived from analysis of the plurality of health statuses of the plurality of users.” Support for this amendment can be found in the Specification at page 9, lines 6-22. In contrast, Brown merely discloses calculating a mean value for each patient from the patient’s own set of measurements, without comparison to statistics derived from health statuses of other users. Thus, Applicants submit that Brown does not disclose each and every element of amended claim 2. Therefore, Brown does not anticipate claim 2. Claims 3-21 depend from claim 2, and Applicants submit that claims 3-21 are patentable over Brown for at least the same reasons as claim 2. Applicants request withdrawal and reconsideration of the rejection.



the computer is fully activated. In contrast, neither Brown nor Langer disclose measuring data from a patient while the computer startup routine is being performed. Thus, neither Brown nor Langer disclose each and every feature of amended claim 25. Therefore, neither Brown nor Langer anticipates amended claim 25. Claims 26-29 depend from claim 25, and Applicants submit that claims 26-29 are patentable over either Brown or Langer for at least the same reasons as claim 25.

## CONCLUSION

Each and every point raised in the Final Office Action dated September 7, 2004 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 2-21, 25-29 and 32 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: December 7, 2004

Respectfully submitted,

By

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